
Judiciary Committee

HB 1530

Title: An act relating to venue for declaratory judgments under the administrative procedure act.

Brief Description: Changing rules for venue for declaratory judgments under the administrative procedure act.

Sponsors: Representatives Grant, Holmquist, Armstrong, Blake, Shabro, Talcott, Ruderman, Schual-Berke, Schoesler, Hinkle, Condotta, Newhouse, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander.

Brief Summary of Bill

- Expands the locations where a petition for declaratory judgment challenging an agency rule may be filed.

Hearing Date: 2/7/03

Staff: Edie Adams (786-7180).

Background:

The Administrative Procedure Act (APA) details procedures state agencies are required to follow when adopting rules. Generally, a "rule" is any agency order, directive, or regulation of general applicability which: (a) subjects a person to a sanction if violated; or (b) establishes or changes any procedure or qualification relating to agency hearings, benefits or privileges conferred by law; licenses to pursue any commercial activity, trade, or profession; or standards for the sale or distribution of products or materials. Before adopting a rule, an agency must follow specified procedures, including publishing notice in the state register and holding a hearing.

Under the APA, the validity of any rule adopted by an agency may be challenged by a petition for declaratory judgment when it appears the rule or application of the rule interferes with or impairs the legal rights or privileges of the petitioner. The petitioner has the burden of demonstrating the invalidity of the rule. The court may declare a rule invalid only if it finds that the rule: (1) violates the constitution; (2) exceeds the statutory authority of the agency; (3) was adopted without compliance with rule-making procedures; or (4) is arbitrary

and capricious.

The petition for declaratory judgment on the validity of an agency rule must be filed in Thurston County superior court.

Summary of Bill:

A declaratory action challenging an agency rule under the Administrative Procedure Act may be brought in the county of the petitioner's place of residence or principal place of business, or any county where petitioner's property may be affected by the rule, in addition to Thurston County.

Appropriation: None.

Fiscal Note: Requested on January 29, 2003.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.